

Andrew Jackson to Nathaniel Macon, September 2, 1833, from Correspondence of Andrew Jackson. Edited by John Spencer Bassett.

TO NATHANIEL MACON.¹

¹ Handwriting of F. P. Blair.

Washington, September 2, 1833.

Dear Sir, I am glad to find, by your letter of August 26th that the position taken by me, against Secession, is the only part of my proclamation, which you condemn. Others have assumed, without specifying in what particulars, that the principles of that paper, are in opposition to those which distinguished the Republican party, during the Era of Mr. Jeffersons administration. You have been frank and specific, but the ground of objection pointed out in your letter to me, so far from making a departure, from the recognized doctrines of the Republicans of that period, is a practical illustration of them. You do not hesitate to admit, that the measures recommended by Mr. Jefferson to enforce the Embargo in the contemplated case of resistance by Massachusetts, and for which you voted, were the same in principle, with those recently adopted to give effect to the revenue laws in South Carolina: but you tell me that "Mr. Jefferson and yourself may have done wrong, in the very hot times in which you acted." Allow me to say, my Dear Sir, that I think you do great injustice to the motives, which actuated yourself and Mr. Jefferson and the Republicans of the times to which you allude. You doubtless considered the union worthless, unless its laws could be enforced, and after great forbearance and due consideration, the deliberate but reluctant resolution was taken, "to provide for calling forth the Militia to execute the laws of the union", if a case of obstruction should arise, within the contemplation of this clause of the constitution. Under circumstances of still

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greater emergency than those under which Mr Jefferson acted, (when an ordinance had actually passed nullifying the Revenue laws,) I felt it my duty to act with still greater moderation, than his pacific character had dictated on the former occasion. I first warned and appealed to the affections, to the patriotism of my fellow citizens of the South. I exerted my influence to remove the causes employed to excite discontent among them. When troops were enrolled and actually paraded and trained with the avowed design to prevent the collection of revenue after a given day, I still sought to avoid the unhappy collision, by recommending the removal of the custom houses, beyond the jurisdiction and reach of the State threatening to oppose the collection of the revenue; and in the last and worst event, proposed the use of force only to defend the public officers from actual violence, when engaged in the discharge of their duties. The measures of expostulation, and concession in the first instance, of preparation and decision in the last, which the wisdom of Congress sanctioned, I am happy to believe have had the best effects, in securing peace and Stability to the union. I think you state too broadly your maxim, that “*the Government of the United States and of the states are governments of opinion and not of force*”—or I should rather say, you apply it improperly, as taking all sanction from the laws. I consider all *free* Governments, Governments of opinion, but should hold ours no government at all, if there were no laws to give effect to the public opinion. We live under a government of laws—laws emanating from the public will; but if there were no means of enforcing public opinion, when embodied in a public law, it would be neither *a government of opinion nor force* .

You tell me that a state cannot commit treason. This is very true. But it does not follow, that all the citizens of a state may not commit treason against the united states. “Treason against the united states shall consist only in levying war against them” etc. The State authorities of no one state, have a right to repeal this clause of the constitution, which all the people in each state *severally* , concurred in establishing. If, therefore, South Carolina has authorized by enactments of a convention or of her state Legislature, the citizens of the state, to levy war upon the united states, it would nevertheless have been treason,

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in all who should have acted under such authority. The authority itself would have been in violation of “ *the supreme law of the land* ” which the people of South Carolina, with their own consent, have bound themselves to obey, “ *any thing in the constitution or laws of any state to the contrary notwithstanding* .” Your remark that force applied to a state Government, “ *is not hinted at* , in the constitution of the united states, because a state cannot commit treason” and that “ *it goes on the ground that every state will perform its duty* ” is, I think met by the passages of the constitution to which I have pointed, as well as its whole tenor. “The constitution of the United States and the laws made in pursuance of it,” would never have been declared “the supreme law of the land” with direct and immediate power over individual citizens in every state, “the laws and constitution of any state to the contrary notwithstanding”, if the experience under the Articles of Confederation had not shewn that *every state, would NOT perform its duty* .

If, however, as you imagine “none of the States gave up the right to secede”, then, indeed, the establishment of a general Government and “ *a supreme law of the land* ” by a solemn compact among the people of the several states respectively, was entirely a nugatory act. There would, then, be no obligation in the constitution or the laws of the United States, but which is still made dependant upon the mere pleasure of the state authorities; and our system would present the absurdity, of establishing a general authority, with the consent of the people in each of the states, having a paramount power, “the constitution and laws of any state to the contrary notwithstanding”—and nevertheless reserving to each and every one of the states, the right to overthrow by a state law, or a clause in a state constitution, the supreme law of the land!!—or in other words, to set it aside, by secession!!

In my opinion, the admission of the right of secession, is a virtual dissolution of the union. If, it were an established principle in any community, that laws are only to have such obligation as each individual might choose in his good pleasure to allow, such society (if society were possible in this state of case) would be without laws or government. So of the states. If the Federal Government and its laws are to be deprived of all authority in a state by its mere declaration, *that it secedes* , the union and all its attributes, depend upon the

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breath of every faction, which may obtain a momentary ascendancy in any one state of the confederacy. To insist, that secession is a reserved right, is to insist, that each state reserved the right to put an end to the Government established for the benefit of all and that there are no common obligations among the states. I hold that the states expressly gave up the right to secede, when they entered into the compact binding them in articles of “perpetual union” and more especially, when the present constitution was adopted to establish “a more perfect union” equally unlimited as to duration. That more perfect union consists in “the supreme law of the land” which the Government of the United States is empowered to maintain *within its proper sphere* independently of the state Governments and whether they pass a law or constitutional provision of secession or not—because it is still to be a law of the land, “ *any thing in the constitution or law of any state to the contrary notwithstanding* ”.

The only right of secession from a Government, and more especially from a government founded upon reciprocal concessions and obligations among the members forming it, is the revolutionary right. Secession can never take place without revolution; and I trust, if it ever should happen, that one section of the union is subjected to intolerable oppression or injustice by another, and no relief can be obtained through the operation of public opinion, upon the constituted authorities, that the right may be as successfully vindicated by the wronged and oppressed against our present Government, as it was against that which we threw off by the revolution, which established it. I send you herewith, the proclamation, the Report from the Department by which it was succeeded, and the law paper consummating them. I hope you will receive them as an earnest of the high respect I bear you: And if on comparing them, you find the principles I have advanced and the measures I have recommended, the same, in effect, with those which were proclaimed and carried out by Mr. Jefferson, yourself, other fathers of the school of 1798, I hope you will do me the justice to believe, that in following precedents of such high authority, and which have been sanctioned by the almost universal approbation of the country from that time to this, I was

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altogether unconscious that they were fraught with the dangerous tendencies, imputed in your published letter, to Mr. Carson.

I beg you to beleive that nothing but a wish to vindicate my conduct and consistency to one whose character I so highly esteem, whose probity and pure Patriotism gives weight to his casual opinion, could have induced me to intrude on your retirement and disturb the repose of your age, by a discussion of the topic, which the publication of your letter invited.

With the kindest feelings I am D'r Sir, etc.